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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,099	05/31/2000	Nino Richard Vaghi	04480002CA	4453

7590 01/14/2003

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EXAMINER

CHARLES, DEBRA F

ART UNIT PAPER NUMBER

3628

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/584,099	VAGHI, NINO R.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Debra F. Charles	3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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Claims 21-33 have been reviewed.

**DETAILED ACTION**  
***Response to Amendment***

1. Claim 22 has been amended. Claims 26-33 have been added.

**Double Patenting**

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 21-33 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1,2 and 3 of U.S. Patent No. 6,376,783 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed subject matter in the rejected claims are covered by claims 1,2 and 3 of U.S. 6,376,783 B1.

***Response to Arguments***

4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, all the references deal with scales.

5. Applicant's arguments filed 14 November 2002 have been fully considered but they are not persuasive in light of new grounds for rejection.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 21, 23, 24, 28, 30 and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Baitz et al. (US 6037548 A) and EerNisse et al. (US 4526247 A). Baitz et al. disclose an electronic scale integrally formed within a flat-panel display, comprising:

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a platform for supporting an item(Baitz et al., Abstract, col. 1, lines 39-67, i.e. "weighing plate, and which contains a data processing and control unit", "display/input device", "use of a flat monitor"); and

a weighing unit mounted at least partially within the housing . . . which outputs a weight signal indicative of a weight of said item when said item is placed on the platform (col. 2, lines 15-30, i.e. housing of the scales in each case for installing such units" and claim 1, i.e. "an electronics box whose topside is covered by a weighing plate").

And an electronic scale integrally formed within a CRT monitor, comprising: a platform for supporting an item; and

a platform for supporting an item(Baitz et al., Abstract, col. 1, lines 39-67, i.e. "weighing plate, and which contains a data processing and control unit", "display/input device", "use of a flat monitor"); and

a weighing unit mounted at least partially within the housing . . . which outputs a weight signal indicative of a weight of said item when said item is placed on the platform (col. 2, lines 15-30, i.e. housing of the scales in each case for installing such units" and claim 1, i.e. "an electronics box whose topside is covered by a weighing plate").

And an electronic scale integrally formed within a CPU unit of a personal computer, comprising:

a platform for supporting an item(Baitz et al., Abstract, col. 1, lines 39-67, i.e. "weighing plate, and which contains a data processing and control unit", "display/input device", "use of a flat monitor"); and

a weighing unit mounted at least partially within the housing . . . which outputs a weight signal indicative of a weight of said item when said item is placed on the platform (col. 2, lines 15-30, i.e. housing of the scales in each case for installing such units" and claim 1, i.e. "an electronics box whose topside is covered by a weighing plate").

And a flat-panel display, comprising: a housing;

a platform for supporting an item(Baitz et al., Abstract, col. 1, lines 39-67, i.e. "weighing plate, and which contains a data processing and control unit", "display/input device", "use of a flat monitor"); and

a weighing unit mounted at least partially within the housing . . . which outputs a weight signal indicative of a weight of said item when said item is placed on the platform (col. 2, lines 15-30, i.e. housing of the scales in each case for installing such units" and claim 1, i.e. "an electronics box whose topside is covered by a weighing plate").

And a CRT monitor for a personal computer, comprising: a housing;

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a platform for supporting an item(Baitz et al., Abstract, col. 1, lines 39-67, i.e. "weighing plate, and which contains a data processing and control unit", "display/input device", "use of a flat monitor"); and

a weighing unit mounted at least partially within the housing . . . which outputs a weight signal indicative of a weight of said item when said item is placed on the platform (col. 2, lines 15-30, i.e. housing of the scales in each case for installing such units" and claim 1, i.e. "an electronics box whose topside is covered by a weighing plate").

And a CPU for a personal computer, comprising: a housing;  
a platform for supporting an item(Baitz et al., Abstract, col. 1, lines 39-67, i.e. "weighing plate, and which contains a data processing and control unit", "display/input device", "use of a flat monitor"); and

a weighing unit mounted at least partially within the housing . . . which outputs a weight signal indicative of a weight of said item when said item is placed on the platform (col. 2, lines 15-30, i.e. housing of the scales in each case for installing such units" and claim 1, i.e. "an electronics box whose topside is covered by a weighing plate").

Re claims 21, 23, 24, 28, 30 and 32: Baitz et al. does not explicitly disclose a force transducer. However, EerNisse et al. discloses a transducer system for a weighing scale. Thus, it would have been obvious to one of ordinary skill in the art to employ a force transducer to get the benefit of converting the weight of an object into an electrical signal property indicative of the weight of the object.

9. Claims 26, 31, 27 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baitz et al. and EerNisse et al. as applied to claims 23,24,30, and 32 above, and further in view of Dlugos.

Re claims 26, 27, 31 and 33: Baitz et al. and EerNisse et al. does not explicitly disclose that wherein the CRT monitor is one of a stand-alone monitor and a monitor included in a portable personal computer. And wherein the CPU unit is one of a stand-alone unit and a unit included in a portable personal computer.

However, Dlugos in col. 9, lines 44-60 and in Fig. 2, discloses a full featured computer having suitable CPU, a monitor and a keyboard, all of which is physically remote from the printing and weighing means. Thus, it would have been obvious to one of ordinary skill in the art to employ a stand-alone CRT and CPU to get the benefit of calculating weight and postage using a flexible computer apparatus set up.

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10. Claims 22, 25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dlugos and EerNisse et al.

Re claims 22, 25 and 29: Dlugos disclose a electronic scale integrally formed within a printer of a personal computer, comprising:

a platform for supporting an item; and a weighing unit mounted at least partially within a housing of said printer, said weighing unit . . . which outputs a weight signal indicative of a weight of said item when said item is placed on said platform.

And a system for computing a postal or carrier rate, comprising:

a piece of office equipment selected from the group consisting of a flat-panel display unit, a CRT monitor, a CPU unit of a personal computer, and a printer, an electronic scale integrally formed within a housing of said piece of office equipment, said electronic scale including a platform for supporting an item and a weighing unit mounted at least partially within a housing of said flat-panel display, said weighing unit . . . which outputs a weight signal indicative of a weight of said item when said item is placed on said platform;

and a processor for computing a postal or carrier rate for said item based on said weight signal.

And a printer for a personal computer, comprising: a housing;

a platform for supporting an item; and

a weighing unit mounted at least partially within the housing . . . which outputs a weight signal indicative of a weight of said item when said item is placed on the platform(Dlugos, col. 4, lines 5-10, i.e. "a first printing means is co-located with an operatively connected to the weighing means for printing at least a unique number for and on each mail piece", col. 8, lines 20-65, i.e. "the apparatus of the invention further comprises an integral weighing and printing apparatus, designated generally by the reference numeral 32. The weighing and printing apparatus comprises a scale, which is preferably in the form of an electronic scale such as any of a number of such scales marketed by Pitney Bowes. The scale includes a platform which, in the conventional use of the scale supports mail pieces in the form of envelopes and packages which are to be weighed for the purpose of determining the postage." And "the scale includes an integral first data processing means, indicated by the separate box, although typically the data processing means is part of the electronics package housed within the scale", col. 9, lines 40-60, i.e. "full-featured computer having a suitable CPU, a monitor and keyboard, all of which are physically remote from the printing and weighing means").

Re claims 22, 25 and 29: Dlugos does not explicitly disclose a force transducer.

However, EerNisse et al. in the Abstract disclose a transducer system for a weighing scale. Thus, it would have been obvious to one of ordinary skill in the art to employ a

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force transducer to get the benefit of converting the weight of an object into an electrical signal property indicative of the weight of the object.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wollman, Device for Weighing and Automatically Calculating Postage for a Mailing Piece.

Kurth et al., Combined Computer and Scale for Preparing Mixtures of Paints, Colors and Lacquers.



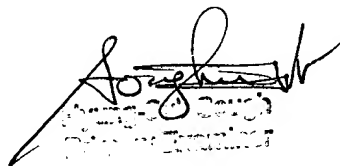
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (703) 308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Debra F. Charles  
Examiner  
Art Unit 3628

dfc  
January 9, 2003

A handwritten signature in black ink, appearing to read 'Debra F. Charles', is written over a rectangular stamp. The stamp contains some illegible text, possibly a date or a reference number.